



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,984	12/21/2001	Fauziah B. Ariff	40655.7100	1517
66569 7590 01/30/2007 FITZPATRICK CELLA (AMEX) 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER ALVAREZ, RAQUEL	
			ART UNIT 3622	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/30/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/027,984

Applicant(s)

ARIFF ET AL.

Examiner

Raquel Alvarez

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-70 is/are pending in the application.
- 4a) Of the above claim(s) 1-64 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 65-70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :6/27/2006, 12/20/2001, 7/28/2006.

DETAILED ACTION

1. This office action is in response to communication filed on 11/7/2006.
2. Applicant has elected Group III, consisting of claims 65-70.
3. The listing of all the claims along with their respective identifiers must be present.

A non-elected claim is presumed to be withdrawn. See 37 CFR 1.121. Correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 65, 67, 68, 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christensen (6,035,280 hereinafter Christensen) in view of Official Notice.

With respect to claims 65, 67, 68 and 70, Christensen teaches a method for facilitating generation of a purchaser profile (Abstract). Receiving and processing consumer enrollment data (col. 7, lines 62-67 and col. 10, lines 34-45); receiving a transaction file comprising a consumer ID and purchase data and standardizing said transaction file (col. 11, lines 49-61); merging said consumer enrollment data with said transaction file (col. 11, lines 62 to col. 12, lines 1-4); facilitating an analysis of a merged data file to generate a purchaser profile which reflects a consumer's purchases (col. 11, 49-61).

Christensen teaches generating a profile which reflect a consumer's purchases

Art Unit: 3622

of a retailer (col.11, lines 49-61). Christensen doesn't teach a plurality of retailers.

Official Notice is taken that it is well known to generate profiles for consumers across a plurality of retailers in order to make a better judgment as to keep track of what the customers are purchasing at the different establishments. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included in the profile of Christensen purchases from a plurality of retailers in order to achieve the above mentioned advantage.

With respect to claim 66, Official Notice is taken that it is old and well known to associate 2 item identifiers in order to derived at a standard identifier. For example, certain supermarkets and the like would ~~allow~~ generate a bar code for an item which integrates the retailer information with the manufacturer specification order to streamline the identifying process of the items to be scanned. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included associating a retailer id with a manufacturer id to derive at a standard identifier in order to achieve the above mentioned advantage.

With respect to claim 69, Official notice is taken that it is old and well known to analyze whether a consumer may be a candidate for purchasing an extended warranty plan. For example when a customer makes a purchase, the purchases are analyzed to determine if an item such as a dishwasher, stove or the like has been purchased and if the item is one that comprises an extended warranty plan. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included analyzing whether a consumer may be a candidate for purchasing an extended

Art Unit: 3622

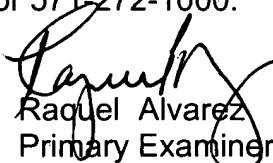
warranty plan because such a modification would provide the customer with the protection or warranty needed.

Point of contact

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric w. Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Raquel Alvarez
Primary Examiner
Art Unit 3622

R.A.
1/10/2007